

**REMARKS/ARGUMENTS**

Claims 1, 3 – 4 and 6 – 21 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks. Claim 2 was previously cancelled without prejudice or disclaimer.

In the outstanding Office Action, the Examiner rejected claims 1, 3 – 4, 8 – 9 and 12 – 19 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,582,906 to Romesberg et al. (hereinafter referred to as “the Romesberg et al. ‘906 patent”); rejected claims 1, 5 – 8, 10 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,204,209 to Rozek et al. (hereinafter referred to as “the Rozek et al. ‘209 patent”) in view of U.S. Patent No. 3,935,353 to Doerfling et al. (hereinafter referred to as “the Doerfling et al. ‘353 patent”) and U.S. Patent Application Publication No. 2001/0036788 to Sandoe et al. (hereinafter referred to as “the Sandoe et al. ‘788 publication”); rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over the Romesberg et al. ‘906 patent in view of U.S. Patent No. 4,581,432 to Blum et al. (hereinafter referred to as “the Blum et al. ‘432 patent”); and rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over the Romesberg et al. ‘906 patent.

By this Response and Amendment, claim 5 has been cancelled without prejudice or disclaimer; claims 1 and 12 have been amended to recite a *micro-porous acoustic barrier layer* and to include the features of claim 5; and the prior art rejections are respectfully traversed. Support for the amendments to claims 1 and 12 can be found in claim 5 and on page 6, lines 27 through 30. Therefore, it is respectfully submitted that the above amendments introduce no new matter to this application within the meaning of 35 U.S.C. §132.

### Rejections under 35 USC §102/103

The Examiner rejected claims 1, 3 – 4, 8 – 9 and 12 – 19 as being anticipated by or, in the alternative, as being unpatenable over the Romesberg et al. '906 patent.

### Response

By this Response and Amendment, Applicants respectfully traverse the rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested by the cited prior art. For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. To establish a *prima facie* case of obviousness, the Examiner must show that the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

Independent claim 1 recites "...a semi-permeable, *micro-porous* and migration-resistant acoustic barrier layer (8) provided between the second reinforcement layer (5) and the decorative layer (6) to make an acoustically optimisable and aesthetically-resistant vehicle rooflining..., wherein the barrier layer (8) comprises a mixed fibre fabric weighing approximately 20 g/m<sup>2</sup> to 60 g/m<sup>2</sup>." And, independent claim 12 recites "applying a semi-permeable, *micro-porous* and migration-resistant

acoustic barrier layer (8) to the second reinforcement fibres (15) and then pressing the layers with second squeezing rollers (17).”

The Romesberg et al. '906 patent discloses a headliner for mounting in a passenger compartment of a vehicle that is formed of a plurality of layers. One of the layers of the headliner is a film adhesive 24. The Romesberg et al. '906 patent discloses the film adhesive 24 as being “non-porous” *see The Romesberg et al. '906 Patent* at col. 4, lines 20 – 23.

In contrast to the presently claimed invention, the Romesberg et al. '906 patent does not disclose, teach or suggest “...a semi-permeable, *micro-porous* and migration-resistant acoustic barrier layer (8) provided between the second reinforcement layer (5) and the decorative layer (6) to make an acoustically optimisable and aesthetically-resistant vehicle rooflining..., wherein the barrier layer (8) comprises a mixed fibre fabric weighing approximately 20 g/m<sup>2</sup> to 60 g/m<sup>2</sup>” as recited in independent claim 1 or a step of “applying a semi-permeable, *micro-porous* and migration-resistant acoustic barrier layer (8) to the second reinforcement fibres (15)” as recited in independent claim 12. Rather, the Romesberg et al. '906 patent teaches away from the use of a micro-porous barrier layer in order to prevent bleed through of liquid adhesive resin. The Romesberg et al. '906 patent discloses the film adhesive 24 as being “non-porous,” which is the opposite of the presently claimed invention. *See The Romesberg et al. '906 Patent* at col. 4, lines 20 – 23. Thus, for at least this reason, the presently claimed invention is neither anticipated nor rendered obvious by the Romesberg et al. '906 patent.

Further, with respect to claim 1, Applicants note that the Examiner did not reject the features of claim 5 in the previous two Office Actions. Specifically, the Examiner failed to show that the prior art discloses, teaches or suggests a barrier layer that weighs approximately 20g/m<sup>2</sup> to 60g/m<sup>2</sup>. Applicant submits that the prior art is silent as to this particular characteristic of a barrier layer and

thus does not anticipate the feature previously recited in claim 5 and now recited in claim 1. Thus, for at least this reason, the presently claimed invention is neither anticipated nor rendered obvious by the Romesberg et al. '906 patent.

Therefore, since a micro-porous barrier layer, as recited in claims 1 and 12, and a barrier layer that weighs approximately  $20\text{g/m}^2$  to  $60\text{g/m}^2$ , as recited in claim 1, are not disclosed, taught or suggested by the cited prior art, the cited prior art neither anticipates nor renders obvious the presently claimed invention. Similarly, since dependent claims necessarily contain all of the features of the independent claims from which they depend, claims 3 – 4, 8 – 9, 13 – 19 and 21 are patentable over the cited prior art for at least the same reasons as claims 1 and 12. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejections.

Further the Examiner indicated that he would give no patentable weight to the language reciting the step of “optimizing an acoustic effectiveness of the lining” because the claim makes the step optional. Applicant submits that the step of “optimizing...” is not optional. There is no language recited in the claim that suggests that this step is not an integral component of the inventive method. Thus, Applicant requests that the Examiner examine the entirety of claim 12.

### **Rejections Under 35 USC §103**

The Examiner rejected claims 1, 5 – 8, 10 and 20 as being unpatentable over the Rozek et al. '209 patent in view of the Doerfling et al. '353 patent and the Sandoe et al. '788 publication.

### Response

By this Response and Amendment, Applicants respectfully traverse the rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested by the cited prior art. To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

Independent claim 1 recites "...a semi-permeable, micro-porous and migration-resistant *acoustic* barrier layer (8) provided between the second reinforcement layer (5) and the decorative layer (6) to make an acoustically optimisable and aesthetically-resistant vehicle rooflining..., wherein the barrier layer (8) comprises a mixed fibre fabric weighing approximately 20 g/m<sup>2</sup> to 60 g/m<sup>2</sup>."

The Rozek 'et al. '209 patent discloses a laminated structure having sound absorbing characteristics. One of the layers is a porous reinforcing mat 20. The porous reinforcing mat 20 is designed with a porosity that allows sound to penetrate rather than bounce off the mat. The Doerfling et al. '353 patent is directed toward a decorative covering material and a process for applying the covering to a vehicle panel. The Sandoe et al. '788 publication discloses a laminate headliner having a core layer sandwiched between two stiffening layers.

In contrast to the presently claimed invention, the cited prior art combination does not disclose, teach or suggest "...a semi-permeable, micro-porous and migration-resistant *acoustic* barrier layer (8) provided between the second reinforcement layer (5) and the decorative layer (6) to make an acoustically optimisable and aesthetically-resistant vehicle rooflining..." as recited in claim 1. The

Office Action cites the reinforcing mat 20 of the Rozek '209 patent as analogous to the barrier layer 8 of the presently claimed invention. However, the reinforcing mat 20 of the Rozek '209 patent is not an *acoustic* barrier. The reinforcing mat 20 of the Rozek '209 patent is disclosed as allowing sound to penetrate. The barrier layer of the presently claimed invention, however, is used to block a particular level of sound thereby optimizing the acoustic effectiveness of the entire rooflining.

Since an *acoustic* barrier, as recited in claims 1 and 12, is not disclosed, taught or suggested by the cited prior art combination, the presently claimed invention is not rendered obvious thereby.

Similarly, since dependent claims necessarily contain all of the features of the independent claims from which they depend, claims 5 – 8, 10 and 20 are patentable over the cited prior art for at least the same reasons as claim 1. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejections.

### **Rejections of Claim 11 under 35 USC §103**

The Examiner rejected claim 11 as being unpatentable over the Romesberg et al. '906 patent in view of the Blum et al. '432 patent.

### **Response**

By this Response and Amendment, Applicants respectfully traverse the rejection since all of the features of the presently claimed invention are not disclosed taught or suggested by the cited prior art combination.

The arguments above with respect to the Romesberg et al. '906 patent are incorporated by reference. Creating a prior art combination by joining the Blum et al. '432 patent with the Romesberg

et al. '906 patent does not cure the deficiencies of the Romesberg et al. '906 patent. The Blum et al. '432 patent discloses a heat-curable composition. However, the Blum et al. '906 patent is not particularly directed toward a rooflining.

In contrast to the presently claimed invention, the cited prior art combination does not disclose, teach or suggest "...a semi-permeable, *micro-porous* and migration-resistant barrier layer (8) provided between the second reinforcement layer (5) and the decorative layer (6) to make an acoustically optimisable and aesthetically-resistant vehicle rooflining..., wherein the barrier layer (8) comprises a mixed fibre fabric weighing approximately 20 g/m<sup>2</sup> to 60 g/m<sup>2</sup>" as recited in independent claim 1. The Blum et al. '432 patent is silent with respect to 1) a micro-porous layer and 2) the weight of a barrier layer. And, as stated above, the Romesberg et al. '906 patent does not render the presently claimed invention obvious. As such, the cited prior art combination does not render the presently claimed invention obvious because the cited prior art combination does not disclose, teach or suggest all of the features of the presently claimed invention. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

### CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

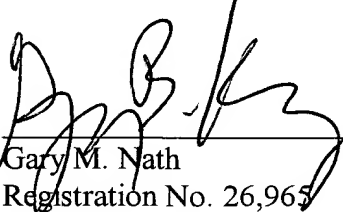
Appl. No. 09/831,503  
Reply to Office Action of June 26, 2006  
Attorney Docket No. 24320

Respectfully submitted,

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December 24, 2006

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